

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY PETITION No 354 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

M/S.RIKIN INDUSTRIES

Versus

MUKUND CHEMICALS PVT. LTD.

Appearance:

MR AMAR N BHATT for Petitioner

HL PATEL ADVOCATES for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 24/07/1999

ORAL JUDGEMENT

1. By way of this petition the petitioner has prayed for issuing direction for winding up of respondent company in the name and style of 'Mukund Chemicals Pvt. Ltd.', whose registered office is situated at 3705, G.I.D.C. Estate, Ankleshwar, near Bharuch - 393 002. BY order dated 8/10/1998 petition came to be admitted as the respondent company did not pay the petitioner's due as

particularised in the petition and as the statutory notice also remained unattended to. By order dated 16/7/1999 absence of the learned advocate for the respondent company was recorded inter-alia saying that the advertisements have already been issued and that if on 23/7/1999 none remained present for the respondent-company, order of winding up shall be passed.

2. Today when the matter was repeatedly called out no-one has remained present for the respondent company. Hence, in the facts and circumstances of the case, following order is passed :-

The respondent - company, namely, Mukund Chemicals Pvt. Ltd. is ordered to be wound up. The Official Liquidator attached to this Court is appointed as Liquidator to take charge of the registered office of the company, its assets such as land, buildings, plant and machinery, property immovable as well as movable, goods manufactured as well as semi-manufactured, raw materials, etc. and records of the company including books of accounts and other materials and he would take inventory in that behalf, which shall be completed as expeditiously as possible. The petitioner is directed to advertise within 14 days from today a notice in the prescribed form in respect of passing of this order in the Indian Express and Jansatta respectively the English and Gujarati editions. The order shall also be published in the Official Gazette. The petitioner is directed to serve the certified copy of this order to the Registrar of Companies not later than one month from the date of receipt of this order.

The cost of this petition be taxed and paid out of the funds of the company.

It will be open to the Official Liquidator to move this Court in case of necessity.

This petition will stand accordingly disposed of.

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PVR.